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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,896	12/19/2001	Myung-Bin Han	1144.40957X00	8842

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EXAMINER

DESHPANDE, KALYAN K

ART UNIT PAPER NUMBER

3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,896	Applicant(s) HAN, MYUNG-BIN	
	Examiner Kalyan K. Deshpande	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>June 14, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The following is a non-final office action in response to the communications received on December 19, 2001. Claims 1-6 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patents and articles supplied in the Information Disclosure Statements (IDS) provided on June 14, 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abelow (U.S. Patent No. 5999908).

As per claim 1, Abelow teaches:

A product development method using on-line data comprising:

(a) receiving data on product evaluation criterion items and data on product evaluation items (see column 17 lines 56-67 and column 49 lines 23-65; where customers input evaluation data and this data is sent to vendors.);

(b) organizing a database on the basis of the received data (see column 49 lines 32-65 and column 50 lines 13-28; where the data is validated to ensure it is

proper customer data. Vendors can organize and maintain their database as necessary to incorporate the customer data.); and

(c) converting the organized database into a product developer standard database that can be used by a vehicle developer (see column 50 lines 1-12 and column 50 lines 29-47; where the database is enabled such that it allows vendors to run reports on user data in order to determine product designs and modifications).

Abelow fails to teach:

A vehicle development method using on-line data comprising:

(a) receiving data on vehicle evaluation criterion items and data on vehicle evaluation items;

(c) converting the organized database into a vehicle developer standard database that can be used by a vehicle developer.

Abelow does not explicitly teach a method of vehicle development. However, Abelow discloses a method and system for product design and development based on customer feedback and evaluation that can be applied to a variety of industries, regardless of the intended field of use of the method. Although Abelow teaches a product development in industries using computer-aided design (CAD), such as the medical device industry, and other general business functions that can use customer evaluations, such as product managers, marketing managers, and customer support (see column 78 lines 8-23), the system has utility in other applications for other products and services (see column 17 lines 38-42). It is old and well-known in the art to collect

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and organize data for vehicle development. Furthermore, it should be noted that the intended use must result in a manipulative difference as compared to the prior art. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to use the Abelow system for a vehicle development method because Abelow system is designed to be used for product design and development.

Additionally, Abelow teaches product development for industries using computer-aided design (CAD), such as the medical device industry, and other general business functions that can use customer evaluations, such as product managers, marketing managers, and customer support. Abelow does not expressly teach the specific data recited in claims 1-6; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP* § 2106.

As per claim 2, Abelow teaches:

The method of claim 1 wherein in step (c), the organized database is converted into the product developer standard database by an evaluation function for product

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development (see column 50 lines 1-12 and column 50 lines 29-47; where the database is enabled such that it allows vendors to run reports on user data in order to determine product designs and modifications).

Abelow fails to teach:

The organized database is converted into the vehicle standard database by an evaluation function for vehicle development.

Claim 2 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 3, Abelow teaches:

The method of claim 1 wherein in step (a), the data on product evaluation criterion items comprises data on personal information of a data provider, data on a product and data on use history of the product (see column 37 lines 23-51, column 50 lines 51-67, and column 51 lines 1-67; where probes collected personal information, including demographic information, on customers. Customer aggregated data files can also include information product data.).

Abelow fails to teach:

The data on vehicle evaluation criterion comprises data on personal information of a data provider, data on a vehicle and data on use history of the vehicle.

Claim 3 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 4, Abelow teaches:

The method of claim 3, wherein: the data on personal information of the data provider comprises age, gender, education level, nationality, and primary language, (see column 37 lines 36-43; where demographic data of customers includes age, gender, education level, nationality, primary language, use of competing products, quantity intended to purchase, and estimated budgets.); the data on the product comprises industry, sub-group in industry, company, country, product name or code, and product id (see column 50 lines 51-67; where fields identifying product information are listed); and the data on use history includes use of competing products, quantity intended to purchase, and estimated budgets (see column 37 lines 36-43; where product use history is listed.).

Abelow fails to teach:

the data on the personal information of the data provider comprises occupation and weight; the data on the vehicle comprises vehicle model, manufacture year, elapsed mileage, and maintenance history; and the data on use history of the vehicle comprises average driving amount.

Abelow teaches a system that allows users to design probes to elicit information from customers as necessary for vendors who are involved in the product design and development. The advantage of gathering data on customer personal information, customer product information, and customer product use information is that this information can be used to design products based on customers needs. It would have been obvious, at the time of the invention, for a user of the Abelow system to collect specific customer information regarding customer personal information, customer

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product information, and customer product use information in order to better design a product based on customer needs, which is a goal of Abelow (see column 3 lines 29-40).

As per claim 5, Abelow teaches:

The method of claim 1 wherein step (a), the data on product evaluation items include specific data regarding customer's evaluation of the product (see column 9 lines 35-45; where users needs and situations are determined.).

Abelow fails to teach:

the data on vehicle evaluation items comprises data on vehicle drivability, comfort, ease of entrance and exit, visibility, noise, and maintenance.

Abelow teaches a system that allows users to design probes to elicit information from customers as necessary for vendors who are involved in the product design and development. The advantage of gathering specific data on customer product evaluation information is that this information can be used to design products based on customers needs. It would have been obvious, at the time of the invention, for a user of the Abelow system to collect specific customer information regarding customer product evaluation information in order to better design a product based on customer needs, which is a goal of Abelow (see column 3 lines 29-40).

As per claim 6, Abelow teaches:

The method of claim 1 wherein the method further comprises (d) transferring the converted database to a computer of the product developer (see column 50 lines 1-

12 and column 50 lines 29-47; where the customer data is transmitted to the vendor database, where the vendors can run reports on the data.).

Abelow fails to teach:

The method further comprises (d) transferring the converted database to a computer of the vehicle developer.

Claim 6 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Joao (U.S. Patent No. 6725201) teaches a method of collecting customer information, customer production information, and customer product use information for providing insurance products for leased vehicles.

Ousborne (U.S. Patent No. 5499182) teaches a method for collecting data on vehicle user's performance.

Bossemeyer (U.S. Patent No. 6510427) discloses a customer feedback and processing method.

Kesel (U.S. Patent No. 6026387) discloses a consumer feedback apparatus for collecting, analyzing, and reporting information on goods and services offered for sale to consumers by providers.

Purschke et al. (Purschke, Frank; Schulze, Malte; Zimmermann, Peter; "Virtual Reality – New Methods for Improving and Accelerating the Development Process in Vehicle Styling and Design", *Computer Graphics International*, June 22-26, 1998, pp. 789-797) teaches using virtual reality techniques to improve car design.

Kochan (Kochan, Anna; "Jaguar Uses Knowledge-Based Tools to Reduce Model Development Time", *Assembly Automation*, 1999, p. 114) teaches the benefits of using a knowledge-based engineering for vehicle development.

Nellore et al. (Nellore, Rajesh; Balachandra, R.; "Factors Influencing Success in Integrated Product Development (IPD) Projects", *IEEE Transactions on Engineering Management*, May 2001, pp. 164-174) teaches the integration of different groups involved in the development process to enhance the ability to better understand customer's needs.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571) 272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KKD
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